

Remarks

The Office has rejected claims 1 and 2 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The applicant has amended claims 1 and 2 to overcome this rejection.

The Office has rejected claims 1-4 and 9 under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent No. 6, 119,096 to Mann et al.

Although the applicant disagrees with the Office's characterization of Mann, the applicant has amended claims 1-3 to more particularly claim aspects of the present invention that are not described, suggested or taught in Mann, nor would have been obvious in view of Mann.

Claim 1 as amended includes the elements of utilizing information that is obtained from third party sources provided independent of the customer to generate a security rating that is displayed to an agent at the time the customer presents the multi-digit code.

Mann does not describe the use of third party information to obtain a check-in security clearance. Mann depends on the use of biometric data that is accumulated from the customer using expensive, on-site equipment. The present invention alleviates the needs for such expensive equipment and subjecting customers to such procedures.

Further, Mann simply teaches a Boolean function of granting access if the biometric conditions are met. This is not the same as the present invention that includes a security rating that can be used by agents checking a customer into a venue which allows the agent to determine if the customer should be subjected to further scrutiny prior to gaining entrance.

Mann also does not describe, suggest or teach, nor would it be obvious from Mann to present the security rating to an agent at the time the customer enters a code. Furthermore, Mann

teaches away from the use of such codes by stating in column 2, lines 50-53 that an object of the Mann invention is to eliminate the need to remember identifying numbers.

Claim 2 as amended includes the elements of utilizing information that is obtained from third party sources provided independent of the customer to generate a security rating based at least in part on the information provided by third parties independent of the customer correlated with information regarding other customers attempting to obtain a check-in security clearance.

The Office alleges that printing out a plane roster and determining which passengers have not boarded but checked luggage renders this element obvious. The applicant respectfully disagrees with the Office. For instance, the present invention operates to prevent access to suspicious customers and this suspicion is derived by correlating information about a customer with information of other customers also attempting to access a venue. This is all reflected in the security rating. This is entirely novel over printing out a roster to verify which customers did not board a plane.

Claim 3 as amended includes the element of communicating criteria that must be met before granting the customer entry. This is simply not described, suggested or taught by Mann nor does Mann render this element obvious. In addition, claim 3 requires the entry of the code to gain access. As previously argued, Mann teaches away from require the entry of a code to gain access.

Thus, the applicants respectfully submit that claims 1-3 are clearly allowable over the cited references. Further, the remaining claims, claims 4-10 either depend directly or indirectly from one of these allowable claims and thus, are also in condition for allowance.

Extension of Time

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of (3) three months, extending the time for responding to Official Action to June 4, 2004.

The statutory fee for small entities is included in the attached credit card authorization form.

Conclusion

Applicant respectfully submits that claims 1-10 are in condition for allowance. If the Office has any questions regarding these claims or this response, the Office can call the applicant's attorney, Gregory Smith at (770) 804-9070.

Respectfully submitted,

By: 

Gregory Scott Smith
Reg. No. 40,819
Attorney for Applicant

LAVA Group Law by Smith & Frohwein
Gregory Scott Smith
PO Box 88148
Atlanta, Georgia 30356
(770) 804-9070